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Application No. UP-699-06

Mark P. and Beth A. Saunders

Application No. UP-699-06 is a request for a Special Use Permit to authorize a 386-square-foot accessory apartment in conjunction with a single-family detached dwelling on a 0.64-acre parcel located at 114 August Drive (Route 1292).

The staff is recommending approval.

Attachments:

1. Staff report
2. Zoning map
3. Sketch plan
4. Floor plan
5. Proposed Resolution No. PC06-09

COUNTY OF YORK

MEMORANDUM

DATE: March 24, 2006 (PC Mtg. 4/12/06)

TO: York County Planning Commission

FROM: Earl W. Anderson, AICP, Planner

SUBJECT: Application No. UP-699-06, Mark and Beth Saunders

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a 386-square foot accessory apartment in conjunction with a single-family detached dwelling on a 0.64-acre parcel located at 114 August Drive (Route 1292) and further identified as Assessor's Parcel No. 25M-8-4-5.

DESCRIPTION

- Property Owner: Elizabeth A. and Mark P. Saunders TRS
- Location: 114 August Drive (Route 1292)
- Area: 0.64 acre
- Frontage: 173 feet on August Drive
- Utilities: Public water and public sewer
- Topography: Flat
- 2025 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR - Rural Residential
- Existing Development: Single-family detached home and detached garage
- Surrounding Development:
 - North: Three single-family homes
 - East: Single-family home
 - South: Two single-family home
 - West: Single-family home
- Proposed Development: Conversion of second floor space to an accessory apartment in a detached structure.

CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is 0.64-acre in size and occupied by a single-family detached dwelling and a detached workshop (previously a garage). The parcel is flat and backs up to Goose Creek. The existing detached structure is located approximately 25 feet from the single-family home on the southeast side of the property. The proposed accessory apartment will be on the second floor of the existing workshop structure. The property owners removed the driveway that accessed the previous garage and landscaped the area, so vehicle access directly to the detached structure is no longer possible.
2. The surrounding properties have single-family detached dwellings developed on them. Three of these are to the rear of the property across Goose Creek. A drainage area with high grasses and a few mature trees buffer the closest home to the west, which is approximately 80 feet from the proposed accessory apartment. Across August Drive the closest houses are over 150 feet away. Public water and sewer currently serve the existing single-family structure and will serve the detached structure.
3. Accessory apartments in detached structures are permitted in the RR district with a Special Use Permit, provided the floor area of the accessory apartment does not exceed 800 square feet or 35% of the floor area of the principal dwelling, whichever is less. The principal dwelling on the property contains 2,582 square feet of floor area. The proposed accessory apartment would contain 386 square feet of habitable floor area, or 15% of the principal dwelling. The applicant has indicated the main use of the apartment is for a personal office/spare bedroom.
4. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking, require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included as conditions in the approving resolution.
5. The subject property can accommodate both the residential parking requirement (two spaces) and the proposed accessory apartment (two spaces). The single-family dwelling has an attached garage and the driveway has a parking area measuring approximately 23 feet in width and 58 feet in length. Since the minimum parking space dimensions in York County are 9 feet by 18 feet, the parking area described could accommodate four cars easily.
6. Property within the subdivision does not fall under the jurisdiction of an established homeowners' association. Regardless of any covenants that may be deeded, the County must evaluate the accessory apartment use within the context of the Zoning

Ordinance and its standards. The County cannot be a party to the enforcement of private covenants and the approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance with any such covenants.

RECOMMENDATION

Given the above-noted standards, staff is of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval through the adoption of proposed Resolution No. PC06-9.

Attachments

- Zoning map
- Sketch plan
- Floor plan
- Proposed Resolution No. PC06-9

EWA

Special Use Permit for detached accessory apartment
114 AUGUST DR

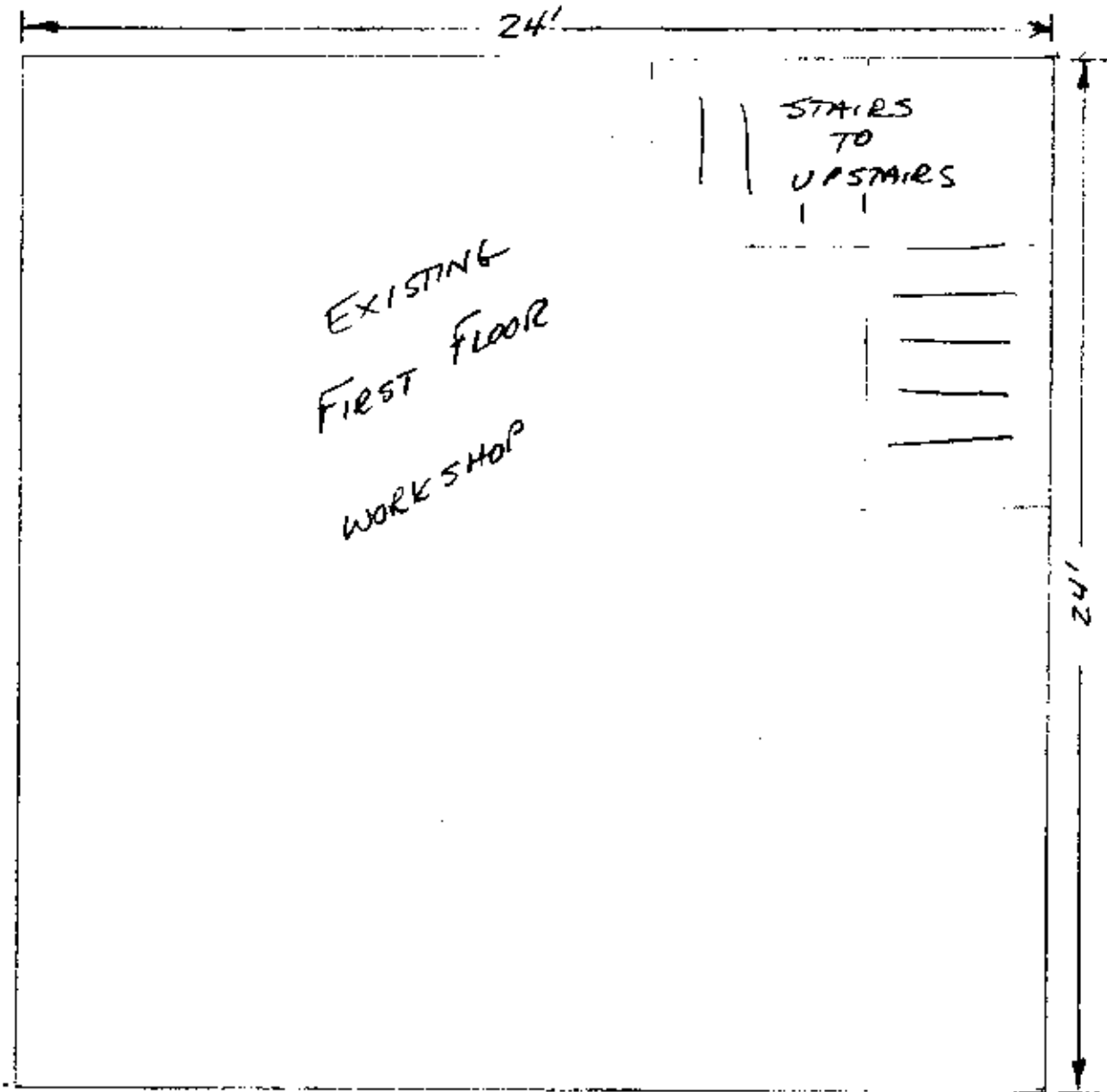
APPLICATION NUMBER: UP-699-06



SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

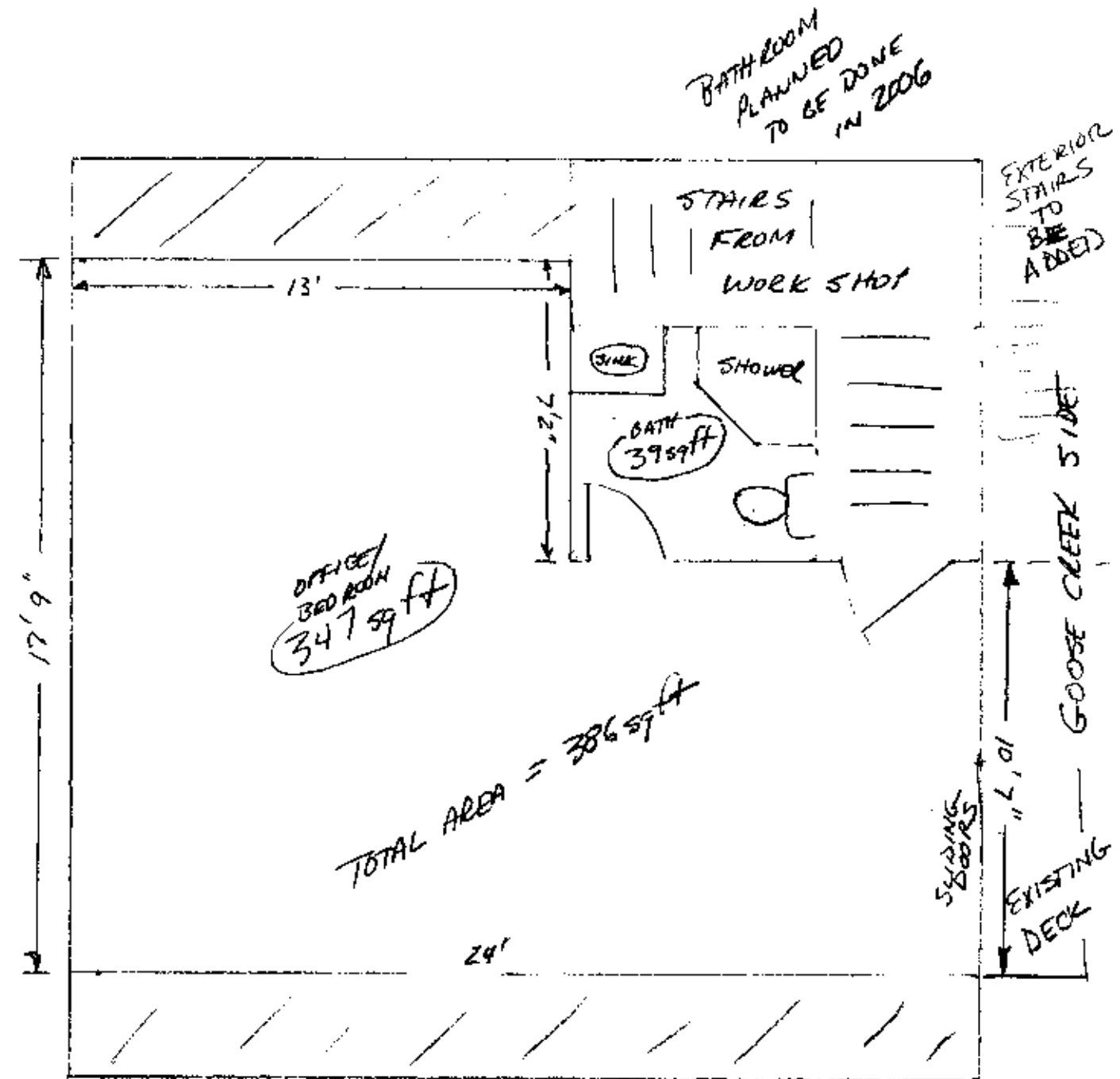
THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

- A. BUILDING IS A DETACHED 2 STORY FRAME STRUCTURE, 24'x24'. BUILDING'S FIRST FLOOR IS A WORK SHOP, SECOND FLOOR USED FOR HOBBIES, KID'S PLAY ROOM, ETC. PARCEL # = GAN# 44086-3062-4696; ADDRESS IS 114 AUGUST DRIVE, SEAFORD, VA. 23696
- B. PROPOSED USE: 1ST FLOOR WILL REMAIN AS A WORK SHOP; SECOND FLOOR WILL HAVE A SPARE BEDROOM/PERSONAL OFFICE WITH BATH; BATH BE ADDED IN 2006 FOLLOWING ALL YORK COUNTY BUILDING REGULATIONS



Principal House Side

DETACHED BUILDING
TOTAL BUILDING AREA
1152 sq ft



Principal House Side

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2006:

Present

Vote

Alfred E. Ptasznik, Jr., Chair
Nicholas F. Barba, Vice Chair
Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY
APARTMENT AT 114 AUGUST DRIVE

WHEREAS, Mark and Beth Saunders have submitted Application No. UP-699-06 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.64-acre parcel of land located at 114 August Drive (Route 1292) and further identified as Assessor's Parcel No. 25M-8-4-5 (GPIN #U08b-3062-4690); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2006, that Application No. UP-699-06 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, for a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.64-acre parcel of land located at 114 August Drive (Route 1292) and further identified as Assessor's Parcel No. 25M-8-4-5 (GPIN #U08b-3062-4690) subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained in an existing detached structure on a 0.64-acre parcel of land located at 114 August Drive (Route 1292) and further identified as Assessor's Parcel No. 25M-8-4-5 (GPIN #U08b-3062-4690).
2. The apartment shall be contained within the existing structure located on the western side of the subject property as indicated on the sketch plan submitted by the applicant titled "Seaford Shores, Section four, York County, Virginia" prepared by Campbell Land Surveying, Inc. dated 6/12/96 and received by the Planning Division on February 24, 2006.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 386 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.

9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.